



900.1009US

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Examiner: To be assigned      Group Art Unit: 1614

Re:      Application of:      Wei CHEN et al.

Serial No.:      10/821,473

Filed:      April 8, 2004

For:      **PREPARATION AND PURIFICATION OF  
SYNTHETIC CAPSAICIN**

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 8, 2004

Sir:

In response to the Notification to File Missing Parts, dated June 25, 2004, a copy of which is enclosed, Applicants submit a Declaration/Power of Attorney (14 pages) executed by the inventors, a Petition for Two Months Extension and a check in the amount of \$280.00 which covers the late oath or declaration fee and two month extension fee.

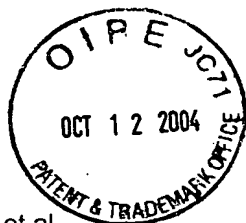
If any additional fees are deemed to be due at this time, the Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: Richard V. Zanzalari  
Richard V. Zanzalari  
Reg. No. 49,032

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, NY 10018  
(212)736-1940

FORM PTO -1083  
BOX: MISSING PARTS  
COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450



Docket No.: 900.1009US  
Date: October 8, 2004

In re application of: Wei CHEN, et al.  
Serial No.: 10/821,473  
Filed: April 8, 2004  
For: PREPARATION AND PURIFICATION OF SYNTHETIC CAPSAICIN  
Sir:

Transmitted herewith is a **Response To Notice To File Missing Parts** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
FOR:	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus** 20=			x \$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	* Minus*** 3 =			x \$	\$		x \$ 84	\$
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$		+	\$280

TOTAL: \$ OR TOTAL: \$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☒ Petition for extension under 37 C.F.R. 1.136 (1 page)  
☒ Other: Declaration and Power of Attorney document (14 pages)  
Copy of Notice to File Missing Parts (2 pages)
- ☒ Check(s) in the amount of **\$280.00** is/are attached to cover:  
☐ Basic filing fee in the amount of \$00.00  
☒ Petition fee for extension under 37 C.F.R. 1.136 in the amount of \$215.00  
☒ Other: Declaration surcharge in the amount of \$65.00
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

Richard V. Zanzalari, Reg. No. 49,032  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
Tel: (212) 736-1940  
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service with sufficient postage as "first class mail" in an envelope addressed to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450\* on October 8, 2004.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:

Elizabeth Pietrowski



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,473	04/08/2004	Sharon McIlvain	900.1009US

23280  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

CONFIRMATION NO. 1056

FORMALITIES LETTER



\*OC000000013051015\*

Date Mailed: 06/25/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/13/2004 HLE333 00000016 10821473

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.


SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE